

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	CRIMINAL INDICTMENT
	)	
Plaintiff,	)	2:10-CR-578
	)	
v.	)	VIOLATIONS:
	)	
LINDA LIVOLSI,	)	18 U.S.C. § 1349 – Conspiracy to
a/k/a Linda Grogg,	)	Commit Wire Fraud
	)	
Defendant.	)	18 U.S.C. § 1343 – Wire Fraud

**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

Scott A. Graham, of the law firm Graham, Allen & Brown, PLLC, hereby submits this Motion to Withdraw as Counsel of Record for Defendant Linda Livolsi (“Livolsi”). This Motion is based upon the following Memorandum of Points and Authorities, the written Affidavit of Scott A. Graham, the papers and pleadings on file herein and any oral argument as may be entertained by the Court.

Dated this 5<sup>th</sup> day of October, 2012.

Respectfully submitted,



\_\_\_\_\_  
Scott A. Graham *Pro Hanc Vice*  
GRAHAM, ALLEN & BROWN, PLLC.  
427 S. Boston Ave., Ste. 355  
Tulsa, OK 74103  
T: 918.948.6171  
F: 800.460.3446  
scott@lawtulsa.com

Attorneys for Linda Livolsi

AFFIDAVIT OF SCOTT A. GRAHAM

STATE OF OKLAHOMA     )  
                                      )ss.  
COUNTY OF TULSA        )

Scott A. Graham, being duly sworn, on oath deposes and says as follows:

1. I am an additional counsel of record for the Defendant in this matter and am competent to testify regarding the facts set forth in this Affidavit.

2. Pursuant to the agreement of the parties, I began representation of Linda Livolsi on or about July 2, 2012. On July 12, 2012, I filed a Motion to appear *pro hac vice* on behalf of Defendant in the instant matter.

3. Defendant agreed to compensate Scott A. Graham the sum of \$50,000 for representation prior to and including trial of the instant criminal matter.

4. Defendant signed a contract wherein she paid \$2,000 upon execution of the contract and the remaining balance being due July 31, 2012.

5. Rather than paying the balance on July 31, Defendant, with my agreement, Defendant tendered a check for \$48,0000 post-dated to be paid on August 31, 2012. On August 31, 2012 and September 4, 2012, the bank advised that there were insufficient funds to cover that transaction. Since that time, there have been no payments made to the undersigned.

6. Livolsi has competent Nevada counsel in Pat McDonald so there will be no prejudice to the Defendant if your affiant is allowed to withdraw.

7. Continued representation without being paid will work a financial hardship on your affiant's law firm.

8. Defendant's address is as follow: Linda Livolsi, PO Box 623, Cleveland, Oklahoma

74020.

9. A copy of this Motion has been forwarded to Defendant by email and certified mail.



\_\_\_\_\_  
Scott A. Graham

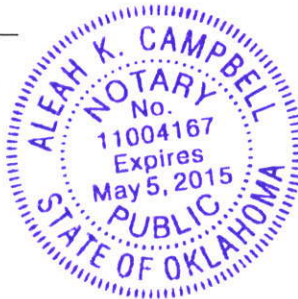
Subscribed and sworn to before me this 5 day of October, 2012.



\_\_\_\_\_  
Notary Public

My Commission expires:

may 5, 2015




**MEMORANDUM OF POINTS AND AUTHORITIES**

As discussed in the above Affidavit, there is good cause of this Court to allow Scott A. Graham, *Pro Hac Vice*, to be withdraw as counsel for Defendant Linda Livolsi due to the fact that Defendant has failed to comply with her obligation to pay for legal services. Failure to pay legal fees is an acceptable justification for withdrawal of an attorney and Nevada Rules of Professional Conduct, Rule 1.16 specifically allows withdrawal when a client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and when the representation will result in an unreasonable financial burden. Furthermore, Scott A. Graham's withdrawal as additional counsel of record will not result in any prejudice to the Defendant as she has competent Nevada counsel in Pat McDonald. Therefore, Scott A. Graham respectfully requests that this court find that there is good cause for him to withdrawal as counsel of record for Defendant.

Dated this 5<sup>th</sup> day of October, 2012.

Respectfully submitted,

  
\_\_\_\_\_  
Scott A. Graham *Pro Hac Vice*  
GRAHAM, ALLEN & BROWN, PLLC.  
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Tulsa, OK 74103  
T: 918.948.6171  
F: 800.460.3446  
scott@lawtulsa.com

Attorneys for Linda Livolsi

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of October, 2012, I caused to be served a true and correct copy of the foregoing Motion to Withdraw As Counsel of Record for Defendant pursuant to Local Rule 7-1.1 via USDC ECF MAIL, which was electronically filed and a copy of it was automatically emailed to all persons connected with the matter on the date above written:

Michael Chu, Esq.  
AUSA

Pat McDonald, Esq.  
Attorney for Defendant Livolsi

Via Certified Mail  
Linda Livolsi  
PO Box 623  
Cleveland, OK 74020

  
\_\_\_\_\_  
Scott A. Graham